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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,708	08/06/2001	Avery Fong	208697US-2	8764
22850	7590	01/05/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KHUONG, LEE T	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,708	FONG, AVERY	
	Examiner	Art Unit	
	Lee Khuong	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/05/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12-26, 28-37 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Gaucher (US 6,175,860).

Regarding claim 1, Gaucher teaches a Method and Apparatus For An Automatic Multi-rate Wireless/Wired Computer Network.

providing a main server (a master server/computer 12, Fig. 3) including software for managing network resources from a single point of administration (having programming software for controlling electronic devices from a single computer/master server 12, col. 2, lines 49-56, col. 3, lines 14-21 and col. 4, lines 66-67);

wirelessly connecting a plurality of electronic devices (VCR 44, printer 30, Appliance 40, lights 48, PDA 50, Fig. 3) to said main server to create a wireless local area network (LAN)(connecting to master server 12 to form a wireless local area network, LAN, col. 2, lines 49-56, col. 3, lines 22-50); and

managing said electronic devices using said software, wherein said electronic devices include at least one of an appliance (appliance 40, Fig. 3), an environmental control device

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(lights 48, Fig. 3), *and an entertainment device* (VCR 44, Fig. 3) (controlling the electronic devices with software from a master server 12, col. 3, lines 14-50).

Regarding claim 2, Gaucher teaches the master server 12, Fig. 3 (*a main server*) is a desktop computer, col. 4, lines 55-56.

Regarding claim 3, Gaucher teaches (1) the master server 12, Fig. 3 wirelessly checking for new electronic device members by requesting the devices' unique identifier (*wirelessly transmitting an identification request from said main server*), col. 5, lines 36-42 and col. 9, lines 37-39; (2) the master server 12 wirelessly receiving a registration identifier from the requested electronic device within the service range of the master server 12, col. 6, lines 1-5 and col. 8, lines 33-41; and (3) the master server 12 keeps scanning and adjusting bandwidth usage of registered electronic devices within its wireless LAN service area (*maintaining said wireless LAN including the main server and the responding electronic devices*), col. 8, lines 33-41 and col. 9, lines 50-65.

Regarding claim 4, Gaucher teaches the master server 12, Fig. 3 adjusting a transmission power of a radio signal to the connecting electronic devices within its wireless LAN, col. 9, lines 18-36.

Regarding claim 5, Gaucher teaches the master server 12, Fig. 3 periodically scanning for new or unregistered devices (*updating information on the electronic devices*), col. 8, lines 33-41 and col. 9, lines 50-65.

Regarding claim 6, Gaucher teaches adding and dropping electronic devices from the wireless LAN as needed, col. 9, lines 50-65.

Regarding claim 7, Gaucher teaches maintaining the wireless LAN using a media access control (MAC) protocol, col. 3, lines 1-3 and col. 10, lines 37-67.

Regarding claim 8, Gaucher teaches (1) monitoring the entire network for any integral information relating to the registered electronic devices (*monitoring management initiating parameters for said electronic devices*), col. 6, lines 8-17; (2) determining an action based on the received integral information (*determining a management action to be performed on an electronic device to be managed based on said management initiating parameters*), col. 6, lines 18-33; and (3) transmitting an action data packet to the managed electronic devices, col. 6, lines 18-33.

Regarding claim 9, Gaucher teaches monitoring management initiating parameters comprises monitoring sensed parameters, col. 6, lines 22-26.

Regarding claim 10, Gaucher teaches receiving the management action data packet at the managed electronic device, col. 6, lines 18-33; and

performing the management action at the managed electronic device based on the management action data packet, col. 6, lines 18-33.

Regarding claim 12, Gaucher teaches connecting a PDA 50, Fig. 3, (*mobile terminal device*) to the master server 12, Fig. 3 (*said main server*).

Regarding claim 13, Gaucher teaches creating a wireless home network, col. 4, lines 48-65.

Regarding claim 14, Gaucher teaches creating a wireless office (*workplace*) network, col. 4, lines 48-65.

Regarding claim 15, Gaucher teaches wirelessly connecting electronic devices the master server 12 (*main server*) can share the software and hardware resources of the master server, col. 9, lines 50-65.

Regarding claim 16, Gaucher teaches the system 10, Fig. 3, is capable of providing Internet connectivity to said electronic devices through the master server 12 (*said main server*), col. 6, lines 34-63 and col. 7, lines 14-18.

Regarding claim 17, this claim has similar limitations of claim 1. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 1.

Regarding claim 18, this claim has similar limitations of claim 2. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 2.

Regarding claim 19, this claim has similar limitations of claim 3. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 3.

Regarding claim 20, this claim has similar limitations of claim 4. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 4.

Regarding claim 21, this claim has similar limitations of claim 5. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 5.

Regarding claim 22, this claim has similar limitations of claim 6. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 6.

Regarding claim 23, this claim has similar limitations of claim 7. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 7.

Regarding claim 24, this claim has similar limitations of claim 8. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 8.

Regarding claim 25, this claim has similar limitations of claim 9. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 9.

Regarding claim 26, this claim has similar limitations of claim 10. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 10.

Regarding claim 28, this claim has similar limitations of claim 12. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 12.

Regarding claim 29, this claim has similar limitations of claim 13. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 13.

Regarding claim 30, this claim has similar limitations of claim 14. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 14.

Regarding claim 31, this claim has similar limitations of claim 15. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 15.

Regarding claim 32, this claim has similar limitations of claim 16. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 16.

Regarding claim 33, this claim has similar limitations of claim 1. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 1.

Regarding claim 34, this claim has similar limitations of claim 4. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 4.

Regarding claim 35, this claim has similar limitations of claim 5. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 5.

Regarding claim 36, this claim has similar limitations of claim 6. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 6.

Regarding claim 37, this claim has similar limitations of claim 10. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 10.

Regarding claim 39, this claim has similar limitations of claim 1. Therefore, it is rejected under Gaucher for the same reasons set forth in the rejection of claim 1.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaucher in view of Balasubramaniam et al (US 6,803,728), hereinafter is referred as Balasubramaniam.

Regarding claims 11, 27 and 38, Gaucher teaches all claimed limitations, except (1) generating a management action report at the electronic device to be managed; (2) transmitting a report data packet including the management action report from the electronic device to be managed, the management action report containing information about whether the management action was completed by the electronic device to be managed.

Balasubramaniam teaches a System For Control Of Devices. (1) Fig. 1 teaches generating a management action report at the device 24 (*electronic device to be managed*), col. 9, lines 42-52; (2) transmitting a report data packet including the management action report from the electronic device to be managed, the management action report containing information about whether the management action was completed by the electronic device to be managed, col. 9, lines 10-41.

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Gaucher and Balasubramaniam are analogous art because they are from a similar problem solving area of home automation system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the home automation system of Balasubramaniam with Gaucher.

The suggestion/motivation for doing so would have been to provide an affordable cost for home automation system.

Therefore, it would have been obvious to combine Balasubramaniam with Gaucher to obtain the invention as specified in claim 11.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sharood et al (US 6,453,687); Mahany et al (US 5,682,379) are cited to show a System, Computer Program Product and Method For Managing and Controlling a Local Network of Electronic Devices.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 571-272-3157. The examiner can normally be reached on 9AM - 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lee T. Khuong
Examiner
Art Unit 2665

DUCHO
PRIMARY EXAMINER


12-27-04